

Process for Internal Reporting and Discipline Related to Non-Compliance with Ethics Requirements

1. No later than 5 business days after a determination is made by an IC Ethics Office (ICEO) that an employee is in violation, the IC Ethics Office shall initiate form [NIH-2850](#) by completing Parts I through III of the form. Document the referral in the employee's EMIS record under "Other Actions". Forward the original to the employee's supervisor. Keep a copy in the ethics file. Send a copy to both the IC Executive Officer, and to the Office of Human Resources, Director of Workforce Relations Division.
2. The supervisor will follow-up with the employee and discuss the violation with him/her, and will order the employee to comply with the necessary requirement within 48 hours. Depending on circumstances (for instance if the employee is on official travel), this deadline can be adjusted.
3. The supervisor must work with IC management and the Office of Human Resources as needed to enact appropriate discipline should the employee not comply with the supervisor's order. The merits of each individual case will be examined to determine appropriate discipline for failure to follow instructions. The Office of Human Resources will assist in ensuring consistency across the ICs, and the [Ethics Table of Penalties](#) will be consulted as a guide.
4. The supervisor will complete Part IV of form [NIH-2850](#) and return the original to the ICEO.
5. The ICEO completes Part V of form [NIH-2850](#) and any necessary follow-up.

NIH Ethics Office: TM
2/16/06; Revised 3/15/06

Instructions to Form NIH 2850, Non-Compliance Referral for Ethics Violations

This form serves as official notification that an employee under your supervision is not in compliance with federal conflict of interest regulations, policies, or requirements. The employee has not sufficiently responded to our efforts to assist him/her in reaching compliance.

The conflict of interest program, laws, and regulations are designed to foster the efficient and honest operation of the Federal government. Due to the seriousness of this matter, we are officially notifying you of your responsibility to initiate appropriate discipline. Please complete the following steps:

1. Follow-up with the employee and discuss the violation with him/her, and order the employee to comply with the necessary requirement within 48 hours. Depending on circumstances (for instance if the employee is on official travel), this deadline may be adjusted.
2. Work with your Institute management and the Office of Human Resources as needed to enact appropriate discipline should the employee not comply with your order. The merits of each individual case will be examined to determine appropriate discipline for failure to follow instructions or other charges, as applicable. The Ethics Table of Penalties (attached) will be consulted as a guide.
3. Complete Part IV of form NIH 2850 and return the original to your IC Ethics Office at: [insert contact info].

NIH Ethics Office

2/16/06

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